

REMARKS

1. Applicant thanks the Office for its remarks and observations which have greatly assisted Applicant in responding.

2. **35 U.S.C. § 103**

Claims 1, 5-8 11, 13, 17-20 and 23-25 are rejected as being unpatentable over U.S. patent application publication no. 2003/0182391 ("Leber") in view of U.S. patent no. 7,139,798 ("Zircher") and further in view of U.S. patent application pub. no. 2003/0233265. Applicant respectfully disagrees.

The Office relies on Leber, ¶¶ 0095-0111 as teaching or suggesting "determining resource availability", originally from Claim 12, now incorporated in Claims 1, 13 and 25. Applicant has repeatedly traversed the Office's finding regarding Claim 12 and Leber, providing extensive analysis of the reference teachings in support of its traverse. In spite of this, the Office persists in its finding that the citation from Leber teaches or suggests such subject matter. Applicant respectfully disagrees that the citation from Leber describes any operation that could be interpreted as "determining resource availability." Applicant is completely puzzled by the Office's persistence in finding that Leber teaches or suggests the subject matter of Claim 12. Leber describes nothing more than a simple contact manager with a limited natural language processing capability grafted thereon.

There is no teaching or suggestion anywhere in Leber of "determining resource availability". More particularly, there is no teaching or suggestion in the cited paragraphs of "determining resource availability". Applicant has examined figs. 1-7 from Leber and finds no feature in any of the drawings that can reasonably be interpreted as teaching or suggesting "determining resource availability". Additionally, the cited paragraphs describe the process of setting appointments, reporting appointments and setting reminders. There is no indication anywhere in the cited paragraphs that Leber's application is capable of any type of analysis to determine resource availability. The application merely sets an appointment or reminder at the date and time that user instructs it to and can subsequently report appointments and reminders - the complete extent of Leber's capability. Thus, any

determination of resource availability must be performed by the user prior to setting an appointment using Leber's application.

Applicant respectfully requests that the Office provide a paragraph-by-paragraph analysis of the citations, with reference to the figures, to explain its reasoning in formulating and maintaining a finding that is so clearly in error. The remaining references of the combination have nothing to contribute.

Accordingly, the combination fails to teach or suggest each and every element of Claim 1, rendering the present rejection improper. Claim 1 is therefore deemed allowable over the combination.

The above remarks apply equally to Claims 13 and 25. In view of their dependence from allowable parent Claims, the dependent claims are deemed allowable without any separate consideration of their merits.

3. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the Application is deemed to be in allowable condition. Applicant therefore respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner find it helpful, he or she is encouraged to contact the Applicant's attorney Michael A. Glenn at (650) 474-8400.

Respectfully submitted,



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